

# **EXHIBIT A**

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

STARBUCKS CORPORATION, and DOES 1 through 50, Inclusive

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

DANIELLE OROPEZA, an individual

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

JUN 08 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): CENTRAL BRANCH

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

111 N. Hill Street, Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso):

BC 5 8 4 4 1 4

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Stephen Bernard (SBN 56553), Bernard & Bernard, 10990 Wilshire Blvd., Ste 1175, Los Angeles, CA 90024

DATE: June 4, 2015

(Fecha)

SHERRI R. CARTER

Clerk, by

(Secretario)

M. Soto

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):  
*Starbucks Corporation*
3. ☒ on behalf of (specify):

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
- ☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

STEPHEN BERNARD, ESQ., SBN 56553  
ALENA KLIMIANOK, ESQ., SBN 266910  
BERNARD & BERNARD  
10990 Wilshire Boulevard, Suite 1175  
Los Angeles, CA 90024-4305  
Telephone: 310-312-0220  
Facsimile: 310-312-0016

Attorneys for Plaintiff,  
DANIELLE OROPEZA

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

JUN 08 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

COPY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

**BC 5 8 4 4 1 4**

DANIELLE OROPEZA, an  
individual,

Plaintiff,

v.

STARBUCKS CORPORATION; and  
DOES 1 through 50, Inclusive,

Defendants.

CASE NO.:

**COMPLAINT FOR DAMAGES:**

1. **PREGNANCY / SEX /  
DISABILITY  
DISCRIMINATION;**
2. **FAILURE TO  
ACCOMMODATE  
PREGNANCY-RELATED  
DISABILITY;**
3. **WRONGFUL TERMINATION  
IN VIOLATION OF PUBLIC  
POLICY;**
4. **RETALIATION;**
5. **FAILURE TO INVESTIGATE;**
6. **FAILURE TO TAKE  
REASONABLE STEPS TO  
PREVENT  
DISCRIMINATION;**
7. **HOSTILE WORK  
ENVIRONMENT  
HARASSMENT;**
8. **NEGLIGENT HIRING,  
SUPERVISION AND/OR  
RETENTION;**
9. **INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS.**

**DEMAND FOR JURY TRIAL**

COMES NOW, Plaintiff Danielle Oropeza for a cause of action against Defendants, and each of them, hereby alleges as follows:

**(Parties and Agency)**

1. At all times relevant herein, Plaintiff Danielle Oropeza, hereinafter referred to as "Danielle," "Ms. Oropeza" or "Plaintiff" was and currently is a resident of Los Angeles, State of California.

2. Plaintiff is informed and believe and thereon alleges that at all times relevant hereto Defendant Starbucks Corporation, was and now is a corporation organized under the laws of the state of Washington, and registered to do business in the state of California (hereinafter referred to as "Starbucks" or "Defendant").

3. Whenever in this Complaint reference is made to "Defendants," such allegations shall be deemed to refer to Starbucks and Does 1 through 50, inclusive, and shall mean the acts of Defendants acting individually, jointly, and/or severally.

4. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants sued herein as Does 1 through 50, inclusive, are currently unknown to Plaintiff, who therefore sue said Defendants by their fictitious names. Plaintiffs are informed and believe. And based thereon allege, that each of the Defendants designated therein as Doe is legally responsible in some manner for the events and happenings referred to herein and caused injury and damages proximately thereby to Plaintiff as hereinafter alleged. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants designated hereinafter as Does when the same have been finally ascertained.

5. Plaintiff is informed, believes and thereon alleges, that at all times mentioned herein, each of the Defendants was the agent, servant, employee, co-venturer and co-conspirator of each of the remaining Defendants, and was at all times herein mentioned, acting within the course, scope, purpose, consent, knowledge, ratification, and authorization of such agency, employment, joint venture, and conspiracy, and that each and every Defendant, as aforesaid, when acting as a principal, was negligent in the

1 selection and hiring of each and every other Defendant as an agent, employee and/or joint  
2 venturer.

3 6. Defendants, and each of them, through their managers, directors, officers,  
4 and other agents, directly oversaw, managed, and/or controlled all aspects of the  
5 operation and management of said Defendants, including, but not limited to staffing, staff  
6 training, policy and procedure manuals which Defendants' employees were required to  
7 implement and follow.

8 7. Defendants, and each of them, through their administrators, directors and  
9 managing agents ratified all conduct of Defendants as alleged herein.

10 8. At all relevant times, Defendants, and each of them, by their acts and  
11 omissions as alleged herein, operated pursuant to an agreement, with a common purpose  
12 and community of interest, with an equal right of control, and subject to participation in  
13 profits and losses, as further alleged herein, such that they operated a joint enterprise or  
14 joint venture, subjecting each of them to liability for the acts and omission of each other.

15 **(Venue)**

16 9. Venue is properly located in Los Angeles County because Defendants'  
17 wrongful acts occurred in Los Angeles County, and the corporate Defendant operates in  
18 Los Angeles County.

19 **(Facts Common to All Counts)**

20 10. Ms. Oropeza began working for Starbucks in or about November 2014. At  
21 all times relevant hereto, Plaintiff was employed by Starbucks in a position of a Barista.

22 11. In or about January 2015, Ms. Oropeza notified her supervisor Shelly  
23 Clunas, the store manager, that she was pregnant.

24 12. Shortly thereafter, Ms. Oropeza was subjected to severe and pervasive  
25 discrimination and harassment on the basis of her pregnancy and was targeted for  
26 termination. She was overly scrutinized and written up for conduct that non-pregnant  
27 employees engaged in regularly without reprimand. Furthermore, despite of and due to  
28 her continuous requests for accommodation based on her pregnancy-related disability, she

1 continued to be subjected to harassment and discrimination. As such:

- 2 (1) Ms. Oropeza notified her supervisors that she was unable to stand for  
3 prolonged periods of time and was developing preeclampsia (per doctor's  
4 note). Nevertheless, she was scheduled to work at the primary registry for  
5 over 4 (four) hours straight with no one to relieve her. Contrary to her  
6 doctor's recommendation, she was not allowed to sit down and/or  
7 ambulate, and would get severe cramps in her legs. When she attempted to  
8 move around to relieve the discomfort, she was reprimanded by the  
9 management.
- 10 (2) Like most pregnant women, Ms. Oropeza developed urinary incontinence  
11 and thus required frequent bathroom breaks. A doctor's note to that effect  
12 was supplied to Ms. Clunas. However, Ms. Oropeza's requests for  
13 restroom breaks would often be dismissed and she would be asked to wait  
14 for the next available rest period. That caused her extreme discomfort and  
15 constituted severe health risks.
- 16 (3) Due to her pregnancy, Ms. Oropeza required snack breaks. Starbucks' "no  
17 food or drink policy" precluded Ms. Oropeza from consuming any liquids  
18 or foods during her continuous shifts of over 4 hours, contrary to her  
19 doctor's recommendations, causing near syncope episodes. Furthermore,  
20 because Ms. Oropeza was not allowed to use the bathroom at the time she  
21 needed it (see above), she was forced to utilize her 10 minute rest periods  
22 for her bathroom breaks. There is no employee bathroom facility at the  
23 subject location and therefore, Ms. Oropeza would frequently have to stand  
24 in line along with the customers thereby relinquishing her snack breaks.
- 25 (4) Ms. Oropeza was required to clean the bathrooms utilizing highly toxic  
26 chemicals. She indicated that she was unable to do so due to the pregnancy-  
27 related restrictions and produced a doctor's note to that effect.  
28 Nevertheless, she was instructed to wear a face mask and forced to

1 continue.

2 13. Ms. Oropeza brought all of these complaints to the attention of Ms. Clunas  
3 who stated that she would look into it. When the discrimination and harassment continued  
4 without a slightest abatement, Ms. Oropeza contacted Starbucks' HR Office and filed a  
5 formal complaint.

6 14. In or about March 2015, Ms. Oropeza (9 months pregnant) notified Ms.  
7 Clunas that she was planning on starting her maternity leave on April 4, 2015. On April  
8 1, 2015, Ms. Oropeza was summoned to the management office and notified by Mark  
9 Jones, a manager, that she was being terminated from her employment for pretextual  
10 reasons. Mr. Jones commented that Ms. Oropeza was becoming a burden, that they were  
11 there to "run a business," and that her multiple requests for accommodation were  
12 becoming a problem. Ms. Oropeza was escorted out, not allowed to pick up her personal  
13 belongings and never given a copy of her termination documentation despite her  
14 numerous requests.

15 15. The harassment, discrimination and the ultimate termination caused Ms.  
16 Oropeza severe stress, anxiety, crying spells, and depression. Starbucks and its agents and  
17 employees harassed, discriminated, and retaliated against Ms. Oropeza based on her  
18 disabilities, need for medical leave, and need for accommodations. Despite being aware  
19 of Ms. Oropeza's disabilities and need for accommodations, Starbucks continued to  
20 demand Ms. Oropeza engage in activities she was not allowed to engaged in due to her  
21 pregnancy. Ms. Oropeza engaged in a protected activity and protested against the  
22 harassment, discrimination, and retaliation she was being subjected to based on her  
23 disability but Starbucks simply dismissed those complaints.

24 16. Plaintiff is informed, believes and herein alleges that other person (people)  
25 was (were) contracted to perform her duties immediately after her termination.

26 17. In perpetrating the acts and omissions alleged herein, Defendants, and each  
27 of them, acted pursuant to and in furtherance of a policy and practice of harassment and  
28 discrimination based on Plaintiff's pregnancy by retaliating against her for asserting her



1 right to pregnancy accommodation; failing to transfer; failing to accommodate; and  
 2 making adverse employment decisions such as disciplinary action and termination on the  
 3 basis of Plaintiff's pregnancy.

4 18. Furthermore, the outrageous conduct of Defendants, described above, was  
 5 done with malice, fraud and oppression; with conscious disregard for Plaintiff's rights;  
 6 and with the intent, design and purpose of injuring Plaintiff. Said Defendants through its  
 7 officers, managing agents and/or supervisors authorized, condoned and/or ratified the  
 8 unlawful conduct of all of the other Defendants named in this action. By reason thereof,  
 9 Plaintiff is entitled to punitive or exemplary damages from Defendants in a sum  
 10 according to proof at trial.

11 **(Exhaustion of Administrative Remedies)**

12 19. Plaintiff filed a complaint with the State of California, Department of Fair  
 13 Employment and Housing, hereinafter referred to as ("DFEH"); on or about June 4, 2015.  
 14 On June 4, 2015, the DFEH issued a right to sue and notice of case closure.<sup>1</sup>

15 **FIRST CAUSE OF ACTION**

16 **PREGNANCY / SEX / DISABILITY DISCRIMINATION**

17 **(Against All Defendants)**

18 20. Plaintiff hereby realleges and incorporates by reference, as though fully set  
 19 forth herein, the allegations contained in paragraphs 1 through 20.

20 21. This cause of action arises in part under California Government Code  
 21 Section 12940, which states in relevant part: "It is an unlawful employment practice,  
 22 unless based upon a bona fide occupational qualification, or, except where based upon  
 23 applicable security regulations established by the United States or the State of California:  
 24 (a) For an employer, because of the race, religious creed, color, national origin, ancestry,  
 25 physical disability, mental disability, medical condition, marital status, sex, age, or sexual  
 26 orientation of any person, to refuse to hire or employ the person or to refuse to select the  
 27

---

28 <sup>1</sup> See **Exhibit A** for a true and correct copy of DFEH Complaint and Notice of  
 Case Closure / Right to Sue Letter.



1 person for a training program leading to employment, or to bar or to discharge the person  
 2 from employment or from a training program leading to employment, or to discriminate  
 3 against the person in compensation or in terms, conditions, or privileges of employment.”

4 22. Plaintiff is informed and believes that her sex, medical condition and/or  
 5 pregnancy-related disability, were a motivating reason in Defendant's decision to  
 6 terminate her.

7 23. At all times hereinafter mentioned, Plaintiff was an employee protected by  
 8 the California Fair Employment and Housing Act.

9 24. Defendants, by and through their agents and employees, engaged in a  
 10 pattern and practice of unlawful discrimination against Plaintiff on the basis of her sex,  
 11 disability, and pregnancy in violation of the California Fair Employment and Housing  
 12 Act.

13 25. As is detailed above, Defendants made inappropriate comments about  
 14 Plaintiff's pregnancy and condition, created a hostile work environment regarding her  
 15 pregnancy, denied reasonable accommodations to Plaintiff, refused to engage in a good  
 16 faith interactive dialogue with her, demoted her, and further discriminated against her by,  
 17 *inter alia*, terminating her. All these actions, among others, were motivated, at least in  
 18 part, by animus toward Plaintiff because of her sex, disability and pregnancy.

19 26. Upon information and belief, Plaintiff alleges that in addition to the  
 20 practices enumerated above. Defendants engaged in other discriminatory practices against  
 21 Plaintiff which are not yet fully known. At such time as said discriminatory practices  
 22 become known, Plaintiff will seek leave of Court to amend this Complaint.

23 27. As a proximate result of Defendants' willful, knowing and intentional  
 24 discrimination against her, Plaintiff has suffered mental anguish, medical expenses, and  
 25 lost earnings and benefits. Plaintiff is thereby entitled to general and compensatory  
 26 damages in amounts to be proven at trial.

27 28. As a further direct and proximate result of Defendant's violation of  
 28 Government Code §12900, et seq. as set forth above, the Plaintiff has been compelled to

1 retain the services of counsel in an effort to enforce the terms and conditions of the  
 2 employment relationship with Defendant, and has thereby incurred, and will continue to  
 3 incur, legal fees and costs, the full nature and extent of which are presently unknown.  
 4 Plaintiff requests that attorneys' fees be awarded pursuant to Government Code §12965  
 5 according to proof.

6 29. Because the discriminatory acts against Plaintiff were carried out,  
 7 authorized or ratified by Defendants' directors, supervisors, shareholders, officers and/or  
 8 managing agents, acting with malice, oppression or fraud, or deliberate, willful and  
 9 conscious disregard of the probability of causing injury to Plaintiff, as reflected by actions  
 10 described earlier in this Complaint, and because said Defendants through their officers,  
 11 managing agents and/or supervisors authorized, condoned and/or ratified the unlawful  
 12 conduct of all of the other Defendants named in this action, Plaintiff seeks punitive  
 13 damages against Defendants, in order to deter them from such and similar conduct in the  
 14 future. Defendants' willful violation of FEHA is a violation of a fundamental public  
 15 policy against discrimination and is therefore subject to punitive damages.

## 16 **SECOND CAUSE OF ACTION**

### 17 **FAILURE TO ACCOMMODATE PREGNANCY-RELATED DISABILITY**

#### 18 **(Against All Defendants)**

19 30. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 38  
 20 above as though fully set forth in detail herein.

21 31. Defendants, and each of them, by and through their agents and employees,  
 22 engaged in an unlawful employment practice when they failed to provide reasonable  
 23 accommodations to the disabled plaintiff in violation of The Fair Employment and  
 24 Housing Act.

25 32. Plaintiff notified Defendants that she was suffering from a pregnancy-  
 26 related disability and requested a reasonable accommodation. Her request for  
 27 accommodation was reasonable and did not cause the defendant to suffer an undue  
 28 burden. Defendants refused to provide any reasonable accommodation, demoted Plaintiff,

1 and later terminated Plaintiff.

2 33. Upon information and belief, Plaintiff alleges that in addition to the  
3 practices enumerated above, Defendant has engaged in other discriminatory practices  
4 against Plaintiff which are not yet fully known. At such time as said discriminatory  
5 practices become known, Plaintiff will seek leave of Court to amend this Complaint.

6 34. As a proximate result of Defendants' willful, knowing and intentional  
7 discrimination against her, Plaintiff has suffered mental anguish, medical expenses, and  
8 lost earnings and benefits. Plaintiff is thereby entitled to general and compensatory  
9 damages in amounts to be proven at trial.

10 35. As a further direct and proximate result of Defendants in violation of  
11 Government Code § 12900, et seq., as set forth above, Plaintiff has been compelled to  
12 retain the services of counsel in an effort to enforce the terms and conditions of the  
13 employment relationship with Defendant, and has thereby incurred, and will continue to  
14 incur, legal fees and costs, the full nature and extent of which are presently unknown.  
15 Plaintiff requests that attorneys' fees be awarded pursuant to Government Code § 12965  
16 according to proof.

17 36. Furthermore, the outrageous conduct of Defendants, described above, was  
18 done with malice, fraud and oppression; with conscious disregard for Plaintiff's rights;  
19 and with the intent, design and purpose of injuring Plaintiff. Said Defendants through its  
20 officers, managing agents and/or supervisors authorized, condoned and/or ratified the  
21 unlawful conduct of all of the other Defendants named in this action. By reason thereof,  
22 Plaintiff is entitled to punitive or exemplary damages from Defendants in a sum  
23 according to proof at trial.

### 24 **THIRD CAUSE OF ACTION**

#### 25 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY** 26 **(Against All Defendants)**

27 37. Plaintiff re-alleges the information set forth in Paragraphs 1 through 45  
28 above, and incorporates these paragraphs into this cause of action as if they were fully

1 alleged herein.

2 38. At all time relevant herein, Article 1, Section 8 of the California  
3 Constitution, California Government Code §§12940, 12945, California Business and  
4 Professions Code §§ 17200, were in full force and effect and were binding on all  
5 Defendants.

6 39. Plaintiff believes and thereon alleges that failure to accommodate her  
7 pregnancy and pregnancy discrimination were motivating reasons in Defendants' decision  
8 to terminate her. Moreover, Plaintiff believes that a motivating reason in Defendants'  
9 decision to terminate her was that Defendants did not want to allow Plaintiff to take a  
10 pregnancy leave or to provide a reasonable accommodation for the Plaintiff's pregnancy  
11 or related medical conditions. Such discrimination is in violation of the public policy of  
12 the State of California as reflected in Gov Code §§12940 and 12945 and has resulted in  
13 damages and injury to Plaintiff as alleged herein.

14 40. Defendants' actions, as mentioned, including without limitation,  
15 discrimination based on Defendants' medical condition, retaliation, denial of pregnancy  
16 leave, and refusal to provide reasonable accommodation for Plaintiff's pregnancy, and  
17 their decision to terminate Plaintiff effects society at large as it violates the following  
18 policies:

19 a. Article 1, Section 8 of the California Constitution and the public  
20 policy of the State of California thereon, which required all Defendants to refrain from  
21 committing acts of discrimination based on sex, pregnancy and/or pregnancy-related  
22 disability and wrongful termination stemming from such discrimination.

23 b. Gov. Code §12940 et seq. And the public policy of the State of  
24 California which required all Defendants to refrain from committing acts of  
25 discrimination based on sex, pregnancy and/or pregnancy-related disability and wrongful  
26 termination stemming from such discrimination.

27 c. Gov. Code §12945 which provides that it shall be an unlawful  
28 employment practice, unless based upon a bona fide occupational qualification: (a) For

1 an employer to refuse to allow a female employee disabled by pregnancy, childbirth, or  
 2 related medical conditions to take a leave for a reasonable period of time not to exceed  
 3 four months and thereafter return to work. as set forth in the commission's regulations...;

4 (b) (1) For an employer to refuse to provide reasonable accommodation for an employee  
 5 for conditions related to pregnancy, childbirth, or related medical conditions, if she so  
 6 requests, with the advice of her health care provider; (2) For an employer who has a  
 7 policy, practice, or collective bargaining agreement requiring or authorizing the transfer  
 8 of temporarily disabled employees to less strenuous or hazardous positions for the  
 9 duration of the disability to refuse to transfer a pregnant female employee who so  
 10 requests; (3) For an employer to refuse to temporarily transfer a pregnant female  
 11 employee to a less strenuous or hazardous position for the duration of her pregnancy if  
 12 she so requests. with the advice of her physician. where that transfer can be reasonably  
 13 accommodated;

14 d. California Business and Professions Code §§17200 et seq. which  
 15 prohibits any unlawful, unfair or fraudulent business act or practice;

16 e. Such other further and alternative laws, policies, regulations and  
 17 ordinances that the evidence shows were violated.

18 41. Defendants violated articulated, fundamental public policies affecting  
 19 society at large, by violating the statutes described above.

20 42. Furthermore, Plaintiff is informed, believes and hereby alleges that  
 21 Defendants fabricated evidence to justify discharging Plaintiff in wilful and conscious  
 22 disregard for Employee's rights.

23 43. As a direct, foreseeable, and proximate result of Defendants' numerous  
 24 violations, Plaintiff has suffered and continues to suffer humiliation, embarrassment,  
 25 mental and emotional distress, substantial losses in salary. bonus. job benefits, and other  
 26 employment benefits she would have received from Defendants, all to Plaintiff's damage,  
 27 in an amount unknown at this time but to be proven at trial.

28 44. Based on the grossly reckless and/or intentional, malicious, and bad faith

1 manner in which Defendants conducted themselves as described herein, by willfully  
 2 violating those statutes enumerated above, Plaintiff prays for punitive damages against  
 3 Defendants in an amount to be determined at the time of trial, that is sufficiently high to  
 4 punish Defendants, and deter Defendants from engaging in such conduct in the future,  
 5 and to make an example them to others.

6 45. Plaintiff is informed and believes and thereon alleges that the outrageous  
 7 conduct of Defendants described above was done with oppression and malice and was  
 8 ratified by the other individuals who were managing agents of those directly responsible.

9 46. These unlawful acts were further ratified by Defendants and done with a  
 10 conscious disregard for Plaintiff's rights and with the intent, design and purpose of  
 11 injuring Plaintiff. By reason thereof, Plaintiff is entitled to punitive or exemplary  
 12 damages against Defendants for their acts as described in this cause of action in a sum  
 13 to be determined at the time of trial.

#### 14 **FOURTH CAUSE OF ACTION**

##### 15 **RETALIATION**

##### 16 **(Against All Defendants)**

17 47. Plaintiff re-alleges the information set forth in Paragraphs 1 through 54  
 18 above, and incorporates these paragraphs into this cause of action as if they were fully  
 19 alleged herein.

20 48. Defendants, and each of them, by and through their agents and employees,  
 21 engaged in an unlawful employment practices in that when Plaintiff notified them of her  
 22 pregnancy and her pregnancy-related disability, and request reasonable accommodation,  
 23 they failed to provide such reasonable accommodations to Plaintiff, demoted, and later  
 24 terminated her.

25 49. The conduct above by Defendants constitutes unlawful retaliation for  
 26 requesting a protected leave or accommodation under California Government Code  
 27 §§12926, 12940, 12945, et seq.

28 50. Upon information and belief, Plaintiff alleges that in addition to the  
 practices enumerated above, Defendants have engaged in other discriminatory practices



1 against Plaintiff which are not yet fully known. At such time as said discriminatory  
2 practices become known, Plaintiff will seek leave of Court to amend this Complaint.

3 **FIFTH CAUSE OF ACTION**  
4 **FAILURE TO INVESTIGATE**  
5 **(Against All Defendants)**

6 51. Plaintiff hereby realleges and incorporates by reference, as though fully set  
7 forth herein, the allegations contained in paragraphs 1 through 58.

8 52. Defendants are employers in the State of California, as defined in the  
9 California Fair Employment and Housing Act ("FEHA").

10 53. Defendants failed to investigate after having knowledge of discriminatory  
11 incidents, *i.e.* Defendants agents' failure to accommodate Plaintiff after learning of her  
12 pregnancy, and her wrongful termination. This failure is in violation of the California Fair  
13 Employment and Housing Act.

14 54. As a direct and proximate result of Defendants' failure to investigate as  
15 described in this Complaint, Plaintiff has sustained and will suffer damages in an amount  
16 within the jurisdiction of this court, the exact amount to be proven at trial.

17 55. In addition, Plaintiff is entitled to attorney's fees in prosecution of this  
18 lawsuit, pursuant to Government Code Section 12965 (b).

19 56. Further, because the failure to investigate was an omission committed by  
20 Defendants, including officers, supervisors, shareholders, directors and/or managing  
21 agents of the company, who acted with malice, oppression or fraud, or were deliberate,  
22 willful and acted in conscious disregard of the probability of causing injury to Plaintiff,  
23 Plaintiff seeks punitive damages against Defendants in order to deter them from such  
24 conduct and allowing such conduct in the future. Defendants' willful violation of FEHA  
25 is a violation of a fundamental public policy against discrimination and is therefore  
26 subject to punitive damages.

27 ///

28 ///



**SIXTH CAUSE OF ACTION**  
**FAILURE TO TAKE REASONABLE STEPS TO PREVENT**  
**DISCRIMINATION**  
**(Against All Defendants)**

57. Plaintiff hereby realleges and incorporates by reference, as though fully set forth herein, the allegations contained in paragraphs 1 through 64.

58. Defendants were and at all times relevant herein were employers in the State of California, as defined in the California Fair Employment and Housing Act ("FEHA").

59. Defendants failed to take all reasonable steps to prevent discrimination before and/or after Plaintiff gave notice of her pregnancy discrimination, by among other things, failing to train supervisors, and failing to comply with posting requirements. This failure is in violation of the California Fair Employment and Housing Act.

60. As a direct and proximate result of Defendants' failure to take all reasonable steps to prevent discrimination as described in this complaint, Plaintiff has sustained and will suffer damages in an amount within the jurisdiction of this court, the exact amount to be proven at trial.

61. In addition, Plaintiff is entitled to attorney's fees in prosecution of this lawsuit, pursuant to Government Code Section 12965(b).

62. Further, because the failure to take all reasonable steps to prevent discrimination, and harassment, and/or retaliation, was an omission committed by Defendants, including officers, supervisors, directors and/or managing agents of the company, who acted with malice, oppression or fraud, or were deliberate, willful and acted in conscious disregard of the probability of causing injury to Plaintiff by failing to act, Plaintiff seeks punitive damages against Defendants in order to deter them from such conduct and allowing such conduct in the future. Defendants' violation of FEHA is a violation of a fundamental public policy against discrimination and is therefore subject to punitive damages.

**SEVENTH CAUSE OF ACTION**

**HOSTILE WORK ENVIRONMENT HARASSMENT**

**(Against All Defendants)**

63. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs of this Complaint and incorporates same by this reference as though set forth at length herein.

64. The above acts and omissions intentionally created an ongoing hostile work environment and/or sexual harassment against Plaintiff, and were intended to harass Plaintiff and other similarly situated females because of their sex.

65. As a direct and proximate result of Defendants' unlawful conduct as alleged in this Complaint, Plaintiff has suffered extreme and severe anguish, humiliation, anger, tension, anxiety, depression, lowered self-esteem, sleeplessness, and emotional distress.

66. As a direct and proximate result of the unlawful conduct, Plaintiff has suffered and continues to suffer loss of income, loss of earning capacity, loss of job opportunity, and other losses.

67. Because the Defendants failed to prevent discrimination and harassment in violation of the Fair Employment and Housing Act, Plaintiff is entitled to recover attorney's fees and costs in this action pursuant to California Government Code Section 12965(b).

68. Because the acts taken toward Plaintiff were carried out by Defendants acting in a deliberate, cold, callous, malicious, oppressive, and intentional manner in order to damage Plaintiff, Plaintiff requests the assessment of punitive damages against Defendants in an amount appropriate to punish and make an example of Defendants.

**EIGHTH CAUSE OF ACTION**

**NEGLIGENT HIRING, SUPERVISION, AND/OR RETENTION**

**(Against All Defendants)**

69. Plaintiff repeats and realleges each and every allegation contained in the preceding paragraphs of this Complaint and incorporates same by this reference as though

1 set forth at length herein.

2 70. Defendants Starbucks DOES 1-50 negligently hired, supervised, and/or  
3 retained its employees, Shelly Clunas and Mark Jones.

4 71. Plaintiff is informed, believes and thereon alleges that Defendant Starbucks  
5 knew or should have known of those employees' unfitness or incompetence to perform  
6 the job but unreasonably retained and/or failed to supervise them.

7 72. Plaintiff is informed, believes and herein alleges that Defendant Starbucks  
8 breached its duty of care to Plaintiff by failing to properly supervise, and by retaining said  
9 employees as follows: (a) by failing to take action following reports of pregnancy  
10 discrimination and harassment committed by Mark Jones and Shelly Clunas; (b) by  
11 disregarding prior complaints and reports of harassment against Mark Jones and Shelly  
12 Clunas; (c) by retaining Mark Jones and Shelly Clunas as employees, all of which created  
13 an unreasonable risk of harm to all Starbucks' employees and beneficiaries. The harm  
14 suffered by Plaintiff could have been avoided if Starbucks had reasonably supervised its  
15 employees because it would have discovered that they were acting unlawfully.

16 73. The harm caused by Mark Jones and Shelly Clunas was directly related to  
17 their unfitness for the job.

18 74. As a further proximate result of Starbucks' and its employees' acts and/or  
19 omissions, Plaintiff has suffered humiliation, mental anguish, and emotional distress in  
20 the amount to be proven at trial.

21 **NINTH CAUSE OF ACTION**

22 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

23 **(Against All Defendants)**

24 75. Plaintiff re-alleges and incorporates by reference each and every allegation  
25 of all previous and subsequent paragraphs in this complaint as though fully set forth in  
26 this cause of action.

27 76. Defendants' discrimination, harassment, and failure to prevent and  
28 investigate either as set forth herein, were so outrageous and extreme as to exceed all

1 bounds of that usually tolerated in a civilized community. Such actions and omissions  
2 were done knowingly, intentionally, willfully, and with the intent and/or reckless  
3 disregard of the probability of causing Plaintiff serious and severe emotional distress.

4 77. As a direct and proximate result of the said acts, Plaintiff has suffered great  
5 mental, physical, nervous discomfort, annoyance, distress, anguish, worry, anxiety, pain  
6 and suffering, and has lost wages and related benefits, past and future.

7 78. Plaintiff is informed and believes, and thereon alleges that Defendants'  
8 actions and omissions were despicable conduct that constitutes fraud, oppression  
9 and/malice within the meaning of California Civil Code Section 3294 and subjected  
10 PLAINTIFF to cruel and unjust hardship in conscious disregard for his rights and safety.

11 79. Wherefore, Plaintiff has been damaged as set forth above and requests  
12 relief as hereafter provided.

13 **WHEREFORE** Plaintiff prays for judgment against Defendants jointly and  
14 severally as follows:

15 **AS TO THE FIRST CAUSE OF ACTION:**

- 16 1. For general and special damages in the amount to be proven at trial;  
17 2. For exemplary and punitive damages;  
18 3. For attorney's fees as allowed by law;  
19 4. For interest, including prejudgment interest, at the legal rate;  
20 4. For costs of suit herein incurred.

21 **AS TO THE SECOND CAUSE OF ACTION:**

- 22 1. For general and special damages in the amount to be proven at trial;  
23 2. For exemplary and punitive damages;  
24 3. For attorney's fees as allowed by law;  
25 4. For costs of suit herein incurred.

26 **AS TO THE THIRD CAUSE OF ACTION:**

- 27 1. For general and special damages in the amount to be proven at trial;  
28 2. For exemplary and punitive damages;

1           3.     For attorney's fees as allowed by law;

2           4.     For costs of suit herein incurred.

3           **AS TO THE FOURTH CAUSE OF ACTION:**

4           1.     For general and special damages in the amount to be proven at trial;

5           2.     For exemplary and punitive damages;

6           3.     For attorney's fees as allowed by law;

7           4.     For costs of suit herein incurred.

8           **AS TO THE FIFTH CAUSE OF ACTION:**

9           1.     For general and special damages in the amount to be proven at trial;

10          2.     For exemplary and punitive damages;

11          3.     For attorney's fees as allowed by law;

12          4.     For costs of suit herein incurred.

13          **AS TO THE SIXTH CAUSE OF ACTION:**

14          1.     For general and special damages in the amount to be proven at trial;

15          2.     For exemplary and punitive damages;

16          3.     For attorney's fees as allowed by law;

17          4.     For costs of suit herein incurred.

18          **AS TO THE SEVENTH CAUSE OF ACTION:**

19          1.     For general and special damages in the amount to be proven at trial;

20          2.     For exemplary and punitive damages;

21          3.     For attorney's fees as allowed by law;

22          4.     For costs of suit herein incurred.

23          **AS TO THE EIGHTH CAUSE OF ACTION:**

24          1.     For general and special damages in the amount to be proven at trial;

25          2.     For exemplary and punitive damages;

26          3.     For costs of suit herein incurred.

27          **AS TO THE NINTH CAUSE OF ACTION:**

28          1.     For general and special damages in the amount to be proven at trial;

2. For exemplary and punitive damages;

3. For costs of suit herein incurred.

**AS TO ALL CAUSES OF ACTION:**

For such other and further relief as the court may deem appropriate.

Respectfully submitted,  
BERNARD & BERNARD

Dated: 6/4/2015, 2015

By:

STEPHEN BERNARD, ESQ.  
ALENA KLIMIANOK, ESQ.  
Attorney for Plaintiff,  
DANIELLE OROPEZA

# **EXHIBIT A**





**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

**AMENDED**

June 04, 2015

Danielle Oropeza  
10990 Wilshire Blvd., Suite 1175  
Los Angeles CA 90024

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 98596-162377-R  
Right to Sue: Oropeza / Starbucks Corporation

Dear Danielle Oropeza,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 04, 2015 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

**AMENDED**

Enclosures

cc:

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
**BEFORE THE STATE OF CALIFORNIA**  
**DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
**Under the California Fair Employment and Housing Act**  
**(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of  
Danielle Oropeza, Complainant.  
10990 Wilshire Blvd., Suite 1175  
Los Angeles CA 90024

DFEH No. 98596-162377-R

vs.

Starbucks Corporation Respondent.  
2710 Gateway Oaks Dr., Suite 150N  
Sacramento, California 95833

Complainant alleges:

1. Respondent **Starbucks Corporation** is a **Private Employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.

2. On or around **April 01, 2015**, complainant alleges that respondent took the following adverse actions against complainant: **Discrimination, Harassment, Retaliation Asked impermissible non-job-related questions, Demoted, Denied a good faith interactive process, Denied a work environment free of discrimination and/or retaliation, Denied continuation of employer-paid health care coverage while on pregnancy disability leave, Denied employment, Denied equal pay, Denied family care or medical leave, Denied or forced to transfer, Denied pregnancy leave, Denied reasonable accommodation, Terminated,** . Complainant believes respondent committed these actions because of their: **Disability, Engagement in Protected Activity, Family Care or Medical Leave, Race, Sex- Gender, Sex - Pregnancy** .

3. Complainant **Danielle Oropeza** resides in the City of **Los Angeles**, State of **CA**. If complaint includes co-respondents please see below.

DFEH 902-1

-5-

*Complaint – DFEH No. 98596-162377-R*

Date Filed: June 04, 2015

Date Amended: June 04, 2015

**Additional Complaint Details:**

Complainant Danielle A. Oropeza began working for Respondent Starbucks Corporation in or about November 2014. In or about January 2015, Ms. Oropeza notified her supervisor Shelly Clunas, the store manager, that she was pregnant. Shortly thereafter, Ms. Oropeza was subjected to severe and pervasive discrimination and harassment on the basis of her pregnancy and was targeted for termination. She was overly scrutinized and written up for conduct that non-pregnant employees engaged in regularly without reprimand. Furthermore, despite of and due to her continuous requests for accommodation based on her pregnancy-related disability, she continued to be subjected to harassment and discrimination. As such: (1) Ms. Oropeza notified her supervisors that she was unable to stand for prolonged periods of time and was developing preeclampsia (per doctors note). Nevertheless, she was scheduled to work at the primary registry for over 4 (four) hours straight with no one to relieve her. Contrary to her doctors recommendation, she was not allowed to sit down and/or ambulate, and would get severe cramps in her legs. When she attempted to move around to relieve the discomfort, she was reprimanded by the management. (2) Like most pregnant women, Ms. Oropeza developed urinary incontinence and thus required frequent bathroom breaks. A doctors note to that effect was supplied to Ms. Clunas. However, Ms. Oropezas requests for restroom breaks would often be dismissed and she would be asked to wait for the next available rest period. That caused her extreme discomfort and constituted severe health risks. (3) Due to her pregnancy, Ms. Oropeza required snack breaks. Starbucks no food or drink policy precluded Ms. Oropeza from consuming any liquids or foods during her continuous shifts of over 4 hours, contrary to her doctors recommendations, casing near syncope episodes. Furthermore, because Ms. Oropeza was not allowed to use the bathroom at the time she needed it (see above), she was forced to utilize her 10 minute rest periods for her bathroom breaks. There is no employee bathroom facility at the subject location and therefore, Ms. Oropeza would frequently have to stand in line along with the customers thereby relinquishing her snack breaks. (4) Ms. Oropeza was required to clean the bathrooms utilizing highly toxic chemicals. She indicated that she was unable to do so due to the pregnancy-related restrictions and produced a doctors note to that effect. Nevertheless, she was instructed to wear a face mask and forced to continue. Ms. Oropeza brought all of these complaints to the attention of Ms. Clunas who stated that she would look into it. When the discrimination and harassment continued without a slightest abatement, Ms. Oropeza contacted Starbucks HR Office and filed a formal complaint. In or about March 2015, Ms. Oropeza (9 months pregnant) notified Ms. Clunas that she was planning on starting her maternity leave on April 4, 2015. On April 1, 2015, Ms. Oropeza was summoned to the management office and notified by Mark Jones, a manager, that she was being terminated from her employment for pretextual reasons. Mr. Jones

DFEH 902-1

-6-

*Complaint – DFEH No. 98596-162377-R*

Date Filed: June 04, 2015

Date Amended: June 04, 2015

commented that Ms. Oropeza was becoming a burden, that they were there to run a business, and that her multiple requests for accommodation were becoming a problem. Ms. Oropeza was escorted out, not allowed to pick up her personal belongings and never given a copy of her termination documentation despite her numerous requests. The harassment, discrimination and the ultimate termination caused Ms. Oropeza severe stress, anxiety, crying spells, and depression. Starbucks and its agents and employees harassed, discriminated, and retaliated against Ms. Oropeza based on her disabilities, need for medical leave, and need for accommodations. Despite being aware of Ms. Oropezas disabilities and need for accommodations, Starbucks continued to demand Ms. Oropeza engage in activities she was not allowed to engaged in due to her pregnancy. Ms. Oropeza engaged in a protected activity and protested against the harassment, discrimination, and retaliation she was being subjected to based on her disability but Starbucks simply dismissed those complaints. In perpetrating the acts and omissions alleged herein, Starbucks acted pursuant to and in furtherance of a policy and practice of harassment and discrimination based on Complainants pregnancy by retaliating against her for asserting her right to pregnancy accommodation, failing to transfer, failing to accommodate, and making adverse employment decisions such as disciplinary action and termination on the basis of Complainants pregnancy.

-7-

*Complaint – DFEH No. 98596-162377-R*

Date Filed: June 04, 2015

Date Amended: June 04, 2015

DFEH 902-1

STEPHEN BERNARD (Bar # 266910)  
ALENA KLIMIANOK (Bar # 266910)

Bernard & Bernard

10990 Wilshire Blvd., Suite 1175, Los Angeles, CA 90024

TELEPHONE NO.: (310) 312-0220

FAX NO.: (310) 312-0016

ATTORNEY FOR (Name): DANIELLE OROPEZA, Plaintiff

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

JUN 08 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: (same)

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central

CASE NAME:

OROPEZA v. STARBUCKS CORPORATION, et al.

CASE NUMBER:

BC 584414

JUDGE:

DEPT:

**CIVIL CASE COVER SHEET**

☒ **Unlimited**  
(Amount  
demanded  
exceeds \$25,000)

☐ **Limited**  
(Amount  
demanded is  
\$25,000 or less)

**Complex Case Designation**

☐ **Counter** ☐ **Joinder**  
Filed with first appearance by defendant  
(Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**

☐ Auto (22)  
☐ Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property  
Damage/Wrongful Death) Tort**

☐ Asbestos (04)  
☐ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

☐ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

**Employment**

☒ Wrongful termination (36)  
☐ Other employment (15)

**Contract**

☐ Breach of contract/warranty (06)  
☐ Rule 3.740 collections (09)  
☐ Other collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

**Real Property**

☐ Eminent domain/Inverse  
condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

**Unlawful Detainer**

☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

**Judicial Review**

☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation  
(Cal. Rules of Court, rules 3.400-3.403)**

☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the  
above listed provisionally complex case  
types (41)

**Enforcement of Judgment**

☐ Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

☐ RICO (27)  
☐ Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses  
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): NINE (9)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 5, 2015

STEPHEN BERNARD

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

#### CASE TYPES AND EXAMPLES

##### Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

##### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

##### Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

##### Employment

Wrongful Termination (36)  
Other Employment (15)

##### Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

##### Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

##### Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

##### Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

##### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

##### Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

##### Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

##### Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition



BC 584414

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7-10 ☐ HOURS/ ☒ DAYS

**Item II. Indicate** the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
<b>Other Personal Injury/ Property Damage/ Wrongful Death Tort</b>	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

LexisNexis® Automated California County Forms

Non-Personal Injury/ Property  
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1. (2), 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

OROPEZA v. STARBUCKS CORPORATION, et al.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
<b>Provisionally Complex Litigation</b>	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

OROPEZA v. STARBUCKS CORPORATION, et al.

**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</b>  <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS:  4800 Laurel Canyon Blvd.
CITY:  Valley Village	STATE:  CA	Z P CODE:  91607	

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 6/4/2015
  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.



CORPORATION SERVICE COMPANY®

## Notice of Service of Process

WCE / ALL  
Transmittal Number: 13899741  
Date Processed: 06/15/2015

**Primary Contact:** Regina Boyd  
Starbucks Corporation Legal Department  
2401 Utah Ave. S., Suite 800  
Seattle, WA 98134

---

<b>Entity:</b>	Starbucks Corporation Entity ID Number 0178010
<b>Entity Served:</b>	Starbucks Corporation
<b>Title of Action:</b>	Danielle Oropeza vs. Starbucks Corporation
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Discrimination
<b>Court/Agency:</b>	Los Angeles County Superior Court, California
<b>Case/Reference No:</b>	BC 5 84414
<b>Jurisdiction Served:</b>	California
<b>Date Served on CSC:</b>	06/12/2015
<b>Answer or Appearance Due:</b>	30 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Sender Information:</b>	Stephen Bernard 310-312-0220

---

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**  
*CSC is SAS70 Type II certified for its Litigation Management System.*  
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | [sop@cscinfo.com](mailto:sop@cscinfo.com)